IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12533 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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GITABEN DILIPKUMAR MODI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR PANKAJ A KAPADIA for Petitioner

MR ANANT S DAVE, Ld. ADDl. CGSC for Respondent

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 21/12/2000

ORAL JUDGEMENT

Rule. Mr.A.S.Dave, learned Addl. CGSC, waives service of notice on behalf of the respondent.

I have heard Mr.P.A.Kapadia, learned Counsel appearing on behalf of the petitioner. The petitioner was issued an international passport No.Q647992 on 30-9-1993. In the said passport, the date of birth of the petitioner was recorded as 15-7-1957. It is submitted by the learned Counsel for the petitioner that according to the Birth Certificate issued by the Surat Municipal Corporation at Annexure "E" to the petition, the date of birth of the petitioner is 4-7-1957. The date of birth of the petitioner i.e. 4-7-1957 was recorded by the Registrar, Births and Deaths, Surat Municipal Corporation on 15-7-1957. While taking admission in the School, the School Authority, instead of recording the date of birth, has recorded the date of

registration as the date of birth of the petitioner and, therefore, an error has been committed by the School Authority, which continued for a long time.

Even the passport was issued on the wrong date of birth of the petitioner. The learned Counsel for the petitioner has drawn my attention to the School Certificate annexed at Annexure "D" and the Birth Certificate issued by the Registrar, Births and Deaths, Surat Municipal Corporation annexed at Annexure "E" to the petition. On a plain reading of the certificates, it appears that the date of birth of the petitioner recorded in the Birth Certificate issued by the Surat Municipal Corporation is 4-7-1957 and the registration of the same was done on 15-7-1957. The School Authority, it appears, by mistake recorded the date of birth of the petitioner as 15-7-1957, taking the date of registration as the date of birth of the petitioner. Accordingly, the learned Counsel submitted that the passport of the petitioner has been cancelled by the Regional Passport Officer and the petitioner has applied for a new passport to the respondent Authority, but the respondent Authority is not issuing the passport and hence she has filed this application.

Mr.A.S.Dave, learned Addl. CGSC has submitted that if the petitioner submits all the genuine documents regarding the correct date of birth of the petitioner, then the respondent Authority may consider the same and issue a fresh passport to the petitioner.

Having regard to the submissions of learned Counsel for both the parties, I am of the view that the petitioner should furnish all the relevant documents, including the Birth Certificate of the petitioner issued by the Registrar, Births and Deaths, Surat Municipal Corporation before the respondent Regional Passport Officer, Ahmedabad and if such documents are placed, then he shall consider the same in accordance with law and if he is satisfied, he will issue a new passport indicating the date of birth of the petitioner as mentioned in the Birth Certificate issued by the Surat Municipal Corporation. If such an error is rectified by the respondent Regional Passport Officer, then the petitioner shall pay a sum of Rs.1,500/- to the respondent Authority.

With the aforesaid observations and directions, the petition is disposed of. Rule is made absolute to the above extent. Direct service is permitted.

21-12-2000 (P.K.Sarkar, J.)

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